



December 13, 2006

Subject: The Land Development Ordinance Committee

The Land Development Ordinance Committee (LDOC) met Wednesday, December 13, at 4 p.m., in the second floor Seminar Room located at The Plaza, 100 W. Innes Street, to discuss rewriting Salisbury's ordinance code. In attendance were Jake Alexander, George Busby, Bill Burgin (Co-chair), John Casey, Phil Conrad, Mark Lewis (Co-chair), Brian Miller, Rodney Queen, Bill Wagoner, and Victor Wallace.

Absent: Karen Alexander, Steve Fisher, and Jeff Smith

Staff Present: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, Patrick Ritchie, John Vest, and Gail Elder White

The meeting was called to order with Bill Burgin (Co-chair) presiding. The minutes of the December 6, 2006, meeting were accepted as published.

CHAPTER SUMMARIES

The committee received a revised version of Chapter 4 at the end of the last meeting. Page 4-4, F-2a: *After determining the comparison structures, establish a standard that at least 50 percent of the comparison structures meet or exceed the architectural elements listed below. The proposed infill structure shall then meet or exceed the established standard.*

The main point is to build infill to match character of neighborhood. Rodney will check on requirements on 6:12 pitch roof for need of a "catwalk" or "tote board." Rodney Queen wanted to discuss the need to define infill lots in existing areas. Covenants should cover neighborhoods that have them. Design standards include three baseline elements for infill comparisons: garage orientation, foundation, and roof pitches. (4.3b) There was a discussion about the definition and meaning of infill. Staff did not know how to deal with min/max requirements. Chapter 5 40-foot setbacks do not apply.

Should infill standards be applied to new subdivisions after ordinance is adopted? Dan Mikkelson said he would not like to see this. Joe suggested a 1957 boundary overlay to provide a system for the future.

Regarding Chapter 7, October 29 revision date, there was further discussion and consideration about the thresholds and percentages of required open space. At the last meeting there was concern that a 9-lot subdivision may be too small to justify recreational open space, and the percentages recommended may be too high. There was further explanation of the ¼-mile distance outside the perimeter of open space to the edge of property that must touch the buffer, and that is all that is required.

Gail Elder White of Salisbury Parks and Recreation brought a map of the 10-year master plan from 1999. Staff provided a handout from the adopted plan currently in use. Staff also provided a green and white page on Recreation Open Space Requirement Acreage Analysis. Definition lined up with the two documents. Much discussion came from this analysis.

“Fee in lieu” could be used as a last resort for small developments and placed in a restricted fund for public open space. Philosophically and conceptually the committee could agree that this was headed in the right direction and smaller parks are needed. Some members of the committee believed that taxation should build open space and not developers. How heavy is the hammer of law?

Mark Lewis read from the Salisbury Vision 2020 Comprehensive Plan.

Policy N-16: New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.

Each neighborhood planning area should have one or more focal points that may include, for example, a community building, central open space, an elementary school, and one or more churches. (Also see next recommendation, and the ***Commercial Areas Yet to Be*** section.) Ideally, these focal points should be located to the interior of the neighborhood planning area within a five to ten-minute walk of any home in the area. Such focal points provide a necessary place for residents of the various neighborhoods in the neighborhood planning area to come together for community gatherings. More importantly, they provide opportunities for *informal* meetings and social exchanges in day-to-day living—errands, walking and bicycling, etc.

(Also see Policy Section P-5 under the *Parks, Open Space and Recreation* chapter concerning the provision of adequate open space in proportion to the acreage being developed or number of new housing units being created.)

Policy P-5: New residential development should provide for adequate open space and recreation areas in proportion to the demand created by the development. This may be determined according to the number of dwelling units in the development and/or by a percentage of the total acreage in the development.



North Carolina law allows local governments to require new subdivisions to set aside or "dedicate" a certain proportion of the total development for open space and recreation. For example, a "10% dedication standard" would require that five acres of a fifty-acre development be reserved for open space. Alternatively, a "1 acre per 20 housing unit" standard would require that a development with 100 housing units also set aside five acres for open space. Either approach is acceptable under State enabling legislation.

Regardless of the approach taken, such ordinances typically include criteria concerning the quality of the land to be set aside. Without such criteria, a developer could conceivably set aside many small "remnants" of land, which collectively add up to 10% requirement. Alternatively, a developer might elect to set aside only undevelopable wetlands or other unsuitable land-- areas also unsuitable for recreational use.

Instead of setting aside land, another way to ensure that parkland keeps up with new growth, is to require a "*fee in lieu of land dedication*". Under this option, fees paid by the developer/builder are deposited into a special trust fund set up by the City specifically for parks, open space and recreation. The *fee in lieu of land dedication* option is intended to correct for situations where a development involving just a few housing units would not yield sufficient open space to be useful. For example, ten percent of the land area in a small, five-unit subdivision would be unlikely to yield enough open space to be useful. Further, the *fee in lieu of dedication* option ensures that small subdivisions, not just the larger ones, also provide for a proportionate, fair share of the open space needs of area residents.

Significantly, the City of Salisbury currently has no provision in its subdivision regulations regarding land dedication or fees in lieu of land dedication. Nor is there any requirement in the City's zoning ordinance regarding the provision of open space in planned unit developments. While there was such a provision in the City's development regulations as recently as 1990, it was not enforced and was subsequently taken off the books. As the city continues to grow in population, however, one or more such provisions concerning land dedication or fees in lieu thereof warrant serious consideration. It is, perhaps, the most equitable way of assuring that new growth is adequately served by open space and recreation facilities.

Brian Miller said he did not disagree but he has the impression that incurred cost to the developer to supply open space would simply be passed onto the consumer.

Staff said they would like to see developers have conversations with the school board about their projects. There is a life cycle of neighborhoods.

A great deal of discussion was heard about things that could happen with higher density and various scenarios as well as existing situations. Gas and power company easements could apply to the 75 percent of a Special Area. So can a floodplain if there are no restrictions.

Preston drew a chart on the dry erase board representing a sliding scale for 50 acres in the UR and the GR. The committee agreed to set a sliding scale chart up in density instead of acreage. (You can pick acreage or density.)

There were no comments from the public, and the meeting was adjourned at 6:00 p.m.

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